

IN THE SENATE

SENATE BILL NO. 1064

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS; AMENDING SECTION 49-1004, IDAHO CODE, TO REMOVE REFERENCES TO A PILOT PROJECT AND TO MAKE TECHNICAL CORRECTIONS; AND REPEALING SECTION 3, CHAPTER 315, LAWS OF 2003, RELATING TO REPORTS TO THE LEGISLATURE AND A SUNSET PROVISION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-1004, Idaho Code, be, and the same is hereby amended to read as follows:

49-1004. PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- SPECIAL ~~PILOT PROJECT~~ ROUTES AND ANNUAL PERMITS. (1) Upon application in writing to the board or other proper authorities in charge of, or having jurisdiction over a highway, the board or authorities may in their discretion issue a special permit to the owner or operator of any vehicle allowing vehicles or loads having a greater weight or size than permitted by law to be moved or carried over and on the highways and bridges.

(a) Special permits shall be in writing and may limit the time of use and operation over the particular highways and bridges which may be traversed and may contain any special conditions and require any undertaking or other security as the board or other proper authority shall deem to be necessary to protect the highways and bridges from injury, or provide indemnity for any injury to highways and bridges or to persons or property resulting from such operation.

(b) The owner or operator of an overweight or oversize vehicle shall obtain a permit, or shall establish intent to obtain a permit by contacting a permit office and receiving a permit number before moving the vehicle on the highways.

(c) All special permits or evidence of intent to obtain a permit, shall be carried in the vehicles to which they refer and shall upon demand be delivered for inspection to any peace officer, authorized agent of the board or any officer or employee charged with the care or protection of the highways.

(2) Nonreducible vehicles or combinations of vehicles hauling nonreducible loads at weights in excess of those set forth in section 49-1001, Idaho Code, shall pay fees as set forth in this subsection ~~(2)~~. Such fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight.

	Column 1	Column 2
	Gross weight of vehicle	Gross weight of vehicle
	and load in	and load in
Number of axles	pounds	pounds
2	40,001	-
3	54,001	-
4	68,001	-
5	80,001	131,001
6	97,001	148,001
7	114,001	165,001

(a) To determine the maximum allowable permit fee for vehicles with more than seven (7) axles, the table can be extended by adding seventeen thousand (17,000) pounds to the last listed weight in both columns 1 and 2 for each added axle.

(b) Permit fees for column 1 shall start at four cents (4¢) per mile and increase four cents (4¢) per mile for each additional two thousand (2,000) pound increment up to the weight indicated in column 2. Permit fees for column 2 shall start at one dollar and two cents (\$1.02) per mile and increase seven cents (7¢) per mile for each additional two thousand (2,000) pound increment.

(c) Vehicles operating at weights less than the starting weights per axle configuration listed in column 1 shall be charged four cents (4¢) per mile.

(d) For vehicles operating with axles wider than eight (8) feet six (6) inches or axles with more than four (4) tires per axle, the fee may be reduced by the board or other proper authority having jurisdiction over a highway.

(3) It shall be unlawful for any person to violate, or to cause or permit to be violated, the limitations or conditions of special permits and any violation shall be deemed for all purposes to be a violation of the provisions of this chapter.

(4) An annual special ~~pilot-project~~ route permit authorizing travel on ~~pilot-project~~ designated routes shall be issued by the board or may, in its discretion, be issued by a local public highway agency for operation of vehicles with a legal maximum gross weight of at least one hundred five thousand five hundred one (105,501) pounds but not exceeding one hundred twenty-nine thousand (129,000) pounds. Such ~~pilot-project~~ routes on nonstate and noninterstate highways shall be determined by the local highway agency for those roads under its jurisdiction. No local public highway agency shall approve a ~~pilot-project~~ route which provides a thoroughfare for interstate carriers to pass through the state. State ~~pilot-project~~ routes designated by the legislature and identified on a map entitled "Designated ~~Pilot-Project~~ Routes" are:

(a) US-20 Montana border to its junction with SH-33; SH-33 to its junction with US-20; US-20 to its junction with US-93; US-93 to its junction with SH-25; SH-25 to its junction with SH-50; SH-50 to its junction

1 with US-30; US-30 to its junction with SH-74; SH-74 to its junction with
2 US-93; US-93 to the Nevada border.

3 (b) US-91 from its junction with SH-34 to the Utah border.

4 (c) US-30 from its junction with I-15 to the Wyoming border.

5 (d) US-95 south from milepost 66 (Fruitland) to its junction with
6 SH-55.

7 (e) SH-19 from its junction with US-95 (Wilder) to its junction with
8 I-84B (Caldwell).

9 (f) SH-78 from its junction with SH-55 (Marsing) to its junction with
10 SH-51; SH-51 to its junction with SH-78; SH-78 to its junction with
11 I-84B (Hammett).

12 (g) SH-67 from its junction with SH-51 (Mountain Home) to its junction
13 with SH-78 (Grandview).

14 (h) SH-55 from intersection with Farmway Road to junction with US-95.

15 (i) SH-25 from its junction with SH-24 to its junction with SH-27
16 (Paul).

17 (j) SH-25 from its junction with US-93 to milepost 27 (Hazelton).

18 (k) SH-24 from intersection with US-93 to its intersection with SH-25.

19 (l) US-20 from its intersection with New Sweden Road to its junction
20 with SH-22/33.

21 (m) SH-34 from milepost 78 to the junction with US-91.

22 (n) US-26 from its junction with US-91 north to its intersection with
23 Gallatin/West 23rd Street in Idaho Falls.

24 (o) US-91 from the intersection with Canyon Road to the junction with
25 US-26.

26 (p) SH-22 from its junction with I-15 northbound ramps (Dubois) to its
27 junction with SH-33.

28 (q) SH-45 from its junction with SH-78 to its junction with I-84 busi-
29 ness loop; I-84 business loop to its junction with exit 35 (Nampa Boule-
30 vard/Northside Boulevard).

31 (r) SH-87 from Montana border to junction with US-20.

32 (s) SH-33 from its junction with SH-31 (Victor) to its junction with
33 SH-33 spur; SH-33 spur to its junction with US-20.

34 (t) SH-28 from junction with SH-22 to junction with SH-33.

35 (u) SH-38 from milepost 0.689 to milepost 1.318 at Malad.

36 (v) SH-27 from its junction with SH-25 (Paul) to its junction with I-84B
37 (Burley); I-84B to its junction with SH-27; SH-27 to milepost 0 (Oak-
38 ley).

39 (w) SH-81 from its junction with SH-77 (Malta) to its junction with
40 US-30 (Burley).

41 (x) US-30 from junction with SH-81 at Burley to junction with SH-50 at
42 Kimberly.

43 (y) US-93 spur from junction with US-30 to junction with US-93 at Twin
44 Falls.

45 (z) US-93 from junction with US-93 spur to junction with US-30 at Twin
46 Falls.

47 (aa) US-30 from junction with SH-74 at Twin Falls to junction with I-84
48 business loop at Bliss.

49 (bb) US-26 from its junction with SH-75 (Shoshone) to its junction with
50 I-84 exit 141 westbound ramps (Bliss); I-84 business loop from its

1 junction with I-84 exit 141 westbound ramps to its junction with US-30
2 (Bliss).

3 (cc) SH-46 spur from its junction with SH-46 (Wendell) to its junction
4 with I-84 exit 155 eastbound ramps.

5 (dd) SH-46 from its junction with US-20 to its junction with I-84 exit
6 157 eastbound ramps (Wendell).

7 (ee) US-20 from junction with US-93 at Carey to junction with I-84 busi-
8 ness loop at interchange 95; I-84 business loop from interchange 95 to
9 junction with SH-51; SH-51 to junction with SH-67.

10 (ff) SH-51 from junction with SH-67 to junction with SH-78.

11 (gg) SH-44 from its junction with SH-55 (Eagle) to its junction with
12 I-84 exit 25 eastbound ramps.

13 (hh) US-20/26 from its junction with US-95 (Parma) to its junction with
14 I-84 exit 26 westbound ramps.

15 (ii) US-20 from junction with US-33 at Sugar City south to junction with
16 US-20 business loop/Holmes Avenue; US-20 business loop/Holmes Avenue
17 south to junction with US-26/Yellowstone; US-26 from intersection with
18 US-20 business loop/Holmes Avenue south to Gallatin.

19 Additions or deletions to the approved state ~~pilot project~~ routes specified
20 in this subsection ~~(4)~~ shall be made only with the approval of the state leg-
21 islature.

22 (5) An annual administrative permit fee for operating on ~~pilot project~~
23 designated routes at the weights specified in subsection (4) of this sec-
24 tion shall be set by the board for travel on state ~~pilot project~~ routes and
25 by the local public highway agency for travel on routes under its jurisdic-
26 tion, but not to exceed a maximum of fifty dollars (\$50.00) per vehicle. The
27 annual administrative permit fee shall cover administrative costs. Local
28 public highway agencies are authorized to issue special ~~pilot project~~ per-
29 mits and such permits shall be in writing. Administrative permit fees for
30 permits issued by a local public highway agency shall be retained by the lo-
31 cal public highway agency to cover administrative costs, and administrative
32 permit fees for permits issued by the department shall be retained by the de-
33 partment to cover administrative costs. In addition to the annual adminis-
34 trative permit fee and the appropriate registration fee for weights up to one
35 hundred five thousand five hundred (105,500) pounds, the appropriate vehi-
36 cle registration fees for weights over one hundred five thousand five hun-
37 dred (105,500) pounds shall be calculated and collected in accordance with
38 the fee schedules set forth in section 49-432 or 49-434, Idaho Code.

39 (6) (a) In any action or proceeding brought for the purpose of setting
40 aside a special permit issued pursuant to this section, in which any
41 party seeks a stay or seeks a temporary restraining order or preliminary
42 injunction against the department, other appropriate authority, the
43 state of Idaho or any party requesting the permit, the court may require
44 bond as provided in rule 65(c) of the Idaho rules of civil procedure,
45 in an amount not to exceed ten percent (10%) of the shipper's or trans-
46 porter's insured value of the product or material to be transported
47 under the provisions of the permit. If any attorney's fees and/or costs
48 are awarded to the department or other state actor, such bond may be used
49 to satisfy that award and all awarded amounts shall be paid to the state
50 highway account established in section 40-702, Idaho Code.

1 (b) Where there is a final judgment in an action or proceeding brought
2 for the purpose of setting aside a special permit issued pursuant to
3 this section against the party or parties who brought such action or
4 proceeding, the court may determine the actual damages resulting from
5 the action or proceeding caused to the department or other state actor
6 and may award up to that amount to the party or parties.

7 SECTION 2. That Section 3, Chapter 315, Laws of 2003, be, and the same is
8 hereby repealed.